

रजिस्ट्री सं० डी० एल० — 33004/98

REGISTERED No. DL-33004/98



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 13] नई दिल्ली, बृहस्पतिवार, जून 11, 1998/ज्येष्ठ 21, 1920
No. 13] NEW DELHI, THURSDAY, JUNE 11, 1998/JYAISHTA 21, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 11th June, 1998:—

BILL No. 56 OF 1998

A Bill to repeal the Urban Land (Ceiling and Regulation) Act, 1976.

WHEREAS it is considered necessary to repeal the Urban Land (Ceiling and Regulation) Act, 1976;

AND WHEREAS Parliament has no power to make laws for the States with respect to the aforesaid matter except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (2) of article 252 of the Constitution resolutions have been passed by the Legislatures of the States of Haryana and Punjab to the effect that the aforesaid Act should be repealed in those States by Parliament by law.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Urban Land (Ceiling and Regulation) Repeal Act, 1998.

Short title,
application and
commencement

(2) It applies in the first instance to the whole of the States of Haryana and Punjab and to all the Union territories and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (2) of article 252 of the Constitution.

(3) It shall come into force in the States of Haryana and Punjab and in all the Union territories at once and in any other State which adopts this Act under clause (2) of article 252 of the Constitution, on the date of such adoption; and the reference to repeal of the Urban Land (Ceiling and Regulation) Act, 1976 shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

33 of 1976

Repeal of Act
33 of 1976.

2. The Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as the principal Act) is hereby repealed.

Savings

3. The repeal of the principal Act shall not affect—

(a) the vesting of any vacant land under sub-section (3) of section 10 with respect to which the competent authority has—

(i) by notice in writing under sub-section (5) of that section ordered any person to surrender or deliver possession of such land to the State Government or to any person duly authorised by the State Government in this behalf; or

(ii) taken possession of such vacant land under sub-section (6) of that section,

and the use of such land for the purposes of the principal Act has commenced:

Provided that where such use for the purposes of the principal Act has not commenced, then the State Government shall restore such land to the person from whom it was taken over and the amount paid shall be liable to be refunded:

Provided further that where such land was subject to any encumbrance before vesting absolutely in the State Government under sub-section (3) of that section, such land shall be restored with all the encumbrances from which it was freed under that sub-section as if no declaration had been made under that sub-section;

Provided also that no such land shall be restored unless the amount paid has been refunded to the State Government;

(b) any exemption granted by the State Government under sub-section (1) of section 20.

STATEMENT OF OBJECTS AND REASONS

The Urban Land (Ceiling and Regulation) Act, 1976 was passed when Proclamation of emergency was in operation with a laudable social objective in mind. The said Act was passed pursuant to resolutions passed by the State legislatures under clause (1) of article 252. Unfortunately public opinion is nearly unanimous that the Act has failed to achieve what was expected of it. It has on the contrary pushed up land prices to unconscionable levels, practically brought the housing industry to a stop and provided copious opportunities for corruption. There is widespread clamour for removing this most potent clog on housing.

2. Parliament has no power to repeal or amend the Act unless resolutions are passed by two or more State legislatures as required under clause (2) of article 252.

3. The Legislatures of Haryana and Punjab have passed resolutions empowering Parliament to repeal the Act in those States. The Act in the first instance will be repealed in those States and in the Union territories and subsequently if any State Legislature adopts this Act by resolution, then from the date of its adoption the Act will stand repealed in that State.

4. The proposed repeal, along with some other incentives and simplification of administrative procedures is expected to revive the stagnant housing industry and provide affordable living accommodation for those who are in a state of undeserved want and are entitled to public assistance. The repeal will not, however, affect land on which building activity has already commenced. For that limited purpose, exemptions granted under section 20 of the Act will continue to be operative. Amounts paid out by the State Government will become refundable.

5. The Bill seeks to achieve the above purpose.

NEW DELHI;
The 4th June, 1998.

RAM JETHMALANI.

S. GOPALAN,
Secretary-General.

